REMARKS

Claims 1-41 stand rejected under 35 USC §103(a) as being unpatentable over Conmy et al., U.S. patent 6,101,480 in view of Microsoft Outlook 97 Administrator's Guide, Microsoft Corporation, 1997.

Each of the pending claims 1- 41 is believed to be patentable over the prior art.

Reconsideration and allowance of each of the pending claims 1-41, as presented, is respectfully requested.

Conmy et al., U.S. patent 6,101,480 discloses a system for scheduling time intervals for a plurality of users on a network comprised database system that stores a profile for each potential invitee of the system at one or more servers. The invitee profiles comprises user profiles wherein each user profile has information regarding available and unavailable times for that user. The system further comprises request generators located remotely from the server and connected over a network that generates a request for allocation of a time interval for one or more of the plurality of invitees. A busy time determination device gathers the profiles for the one or more requested invitees that are available in the database and determining whether those invitees are available during the time interval requested by the request generating means. If not all invitees are available, a best fit determinating system determines a next best time interval.

Conmy et al. states at column 2, lines 19-33:

If all invitees are not available at the requested time, a variety of

techniques may be used to facilitate the automatic coordination of the meeting. If the proposed date and time is not available for everyone, a dialog box may suggest alternative dates and times during which most, if not all, of the invitees would be available. For example, if the invitees are all available at another time (this may be determined based on the "Busy Time" file) the meeting coordinator automatically may be provided a suggested time for the meeting. If not all invitees are available at anytime (within certain parameters) various routines may be performed automatically by the system to identify a "best fit" time for the meeting. For example, a (weighting) algorithm may be used to find the time that required persons (or rooms or resources) for the meeting are available.

Conmy et al. states at column 2, lines 34-51:

According to an embodiment of the present invention, a system, method and storage medium storing computer implemented code is provided. The system for scheduling time intervals for a plurality of users on a network comprises a database system that stores a profile for each potential invitee of the system at one or more servers. The invitee profiles comprises user profiles wherein each user profile has information regarding available and unavailable times for that user. The system further comprises request generators located remotely from the servers and connected over a network that generate a request for allocation of a time interval for one or more of the plurality of invitees. A busy time determination device gathers the profiles for the one or more requested invitees that are available in the databases and determining whether those invitees are available during the time interval requested by the request generating

means. If not all invitees are available, a best fit determining system determines a next best time interval.

Conmy et al. states at column 4, lines 56-67:

A busy time creating unit 304 is responsive to the request processing unit 302 for generating a busy time file which lists the busy times for all invitees selected in the request and storing that information in database 200. Busy time creating unit 304 passes the busy time file to the fit determination unit 306 to determine whether the requested time complies with the busy time file generated. If not, the system calls on best fit determination unit 308 to determine the next best fit for the event. Additionally, a calendar connect unit 310 may be provided for accessing availability information for the invitees at the various databases 200 across system 50. The calendar connect unit 310 is responsible for obtaining busytime information for users on other servers such as another Notes/Domino Server or on a other calendar system such as Profs or Schedule+.

Conmy et al. states at column 6, lines 34-45:

If there is no such time interval during which all invitees are available, the system proceeds to determine a "best fit" in step 108. The process of step 108 is depicted in FIG. 4. In FIG. 4, the first step is that the coordinator is requested to assign a weight for each invitee in step 112. That step may be performed at the time the coordinator is asked to invite the resources or persons or may be delayed until a determination is made as to whether free time for all invitees may be located. Alternatively, default values may be assigned to types of resources. For example, the

chairman and the conference room may be assigned a high weighting whereas other individuals may be assigned lower weighting.

Conmy et al. states at column 6, lines 46-54:

In the next step, step 114, all time intervals within a range of the requested time are assigned a weighted unavailability value that is indicative of its relative unavailability for the proposed event. The weighted value is a function of the type of unavailability associated with a given invitee and the relative importance of the invitee's attendance at the proposed event. These factors are additive--therefore, the higher the weighted value, the less available the time interval will be.

Conmy et al. states at column 7, lines 16-33:

In the next step, steps 116 and 118, this method chooses an available time interval based on the lowest weighted value. A value of zero would mean that everyone invited could attend the proposed event at the suggested time interval. In this embodiment, in step 116, the system selects the time interval with the lowest weighted unavailability value. In step 118, the system then eliminates the invitee or resource with the lowest weighting assigned thereto. That new grouping is then returned to steps 104 and 106 to determine the busy times for the new set of invitees and to compare to determine whether those invitees are available at the requested time. to determine the busy times for those create a new busy time file with the new reduced list of invitees. The process repeats steps 104, 106, and 108 until a time interval is found based on the reduced number of invitees. That time is presented to the coordinator as a proposed alternative time with the "best fit."

Conmy et al. states at column 8, lines 8-25:

FIGS. 5 through 9 present different views of the information retrieved by the system as a result of the search performed by the chairman. In FIG. 5, according to an embodiment of the present invention, the electronic calendar system presents a listing portion 18. Listing portion 18 may provide a list of the invitees sorted by those for whom calendar information cannot be found. The background shading for each of the displayed invitee names may be displayed to match a similar shading in the legend box labeled "No Info." A day planner showing the hours of the proposed event is shown in the box. Other shading/coloring or other graphical indications may be used in the boxes listing the individual names and/or graphical time bar to indicate "Free Time," "Busy Time," "OK," "Conflict," or "Other" status indicators. This feature combined with the ability to generate a variety of views may facilitate the coordination of an event. For example, a recommended event time portion 15 may be presented showing several optional times that have been determined using the best fit routine, for example.

Conmy et al. states at column 9, lines 23-34:

The invention uses reliable, secure Notes routing to deliver invitations to other Notes and Organizer users. According to one embodiment, because the system is connected to intranet and internet, even people who do not use the system of the present invention, for example, Organizer or Notes, may be invited. Event invitees may then accept, decline, delegate a substitute, or re-schedule. Their responses may be automatically forwarded to the coordinator or coordinator. Once an invitee accepts a event invitation, their Organizer calendars are automatically updated as well as the

coordinator's calendar. This enables coordinators to be able to check to see who can make it, who can't, and who's sending an alternate attendee.

Outlook 97 at chapter 5, starting at page 115 discloses group scheduling with having users set the appropriate permissions to share their Calendars. To view other users' unpublished free/busy status, Outlook users must open another user's Calendar. Under scheduling resources, at page 117 states Users can include the resources, along with proposed attendees, in a meeting request, and that if a delegate is assigned for a resource, you can configure the resource account so that users send meeting requests directly to the delegate. At page 118, a multiple step procedure to assign a delegate to an Outlook resource account is provided.

In general, known meeting scheduling systems, such as disclosed by Conmy et al., search for available times of participants. Some systems distinguish between required attendees and optional attendees. Such systems do not consider many additional possibilities when trying to schedule a meeting. For example, such possibilities not considered include when someone can fill in for someone else at a meeting or when only one person of a team needs to be there to represent the team. In some cases enough of the required attendees must be present to be considered a functioning body, this may be a majority or some other fractional number, in committees this is often referred to as a quorum. In still other cases, team support should be scheduled to be available for consultation, even though they may not need to be present at the meeting.

Each of the independent claims 1, 30, and 41, as presented, more clearly

recite the subject matter of the invention including features only taught by Applicants.

35 U.S.C. §103 requires that the invention as claimed be considered "as a whole" when considering whether the invention would have been obvious when it was made. Graham v. John Deere, 383 U.S. 1, 148 USPQ 459, 472 (1966). It is applicants' claimed invention which must be considered as a whole pursuant to 35 U.S.C. §103, and failure to consider the claimed invention as a whole is an error of law. In order for there to be a prima facie showing of obviousness under 35 U.S.C. §103, it is necessary that the references being combined in an attempt to demonstrate prima facie obviousness must themselves suggest the proposed combination. For a combination of prior art references to render an invention obvious, "[t]here must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination." In re Oetiker, 977 F.2d 1443, 1447, 24 USPQ2D 1443, 1446 (Fed. Cir. 1992). That one must point to some reason, suggestion, or motivation to make a combination is not to say that the teaching must be explicit, but in order to render an invention obvious by the combination of prior art references, the prior art must contain some reason, suggestion, or motivation. It is impermissible to use the inventor's disclosure as a "road map" for selecting and combining prior art disclosures. In Interconnect Planning Corp. v. Feil 774 F.2d 1132, 1143, 227 USPQ 542, 551 (Fed. Cir. 1985), the Federal Circuit noted, "The invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time."

In re Lowry, 32 F3d 1579, 1582-1583 (Fed. Cir. 1994), as stated by the

Court of Appeal for the Federal Circuit: The Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art. See Gulack, 703 F.2d at 1385. The PTO may not disregard claim limitations comprised of printed matter. See In re Gulack, 703 F.2d 1381,1384 (Fed. Cir. 1983); Diamond v. Diehl, 450 U.S. 175, 191, 101 S.Ct. 1048, 1059, 67 L.Ed.2d 155 (1981). This court in Gulack, however, would not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate. The Board in this case determined that Lowry's data structures were analogous to printed matter and therefore the specific features of the constituent ADOs deserved no patentable weight without a functional printed matter-substrate relationship. Finding no such functional relationship between the ADOs and the memory, the Board refused to consider the specific data structure limitations. As an initial matter, this court notes that Gulack cautioned against a liberal use of "printed matter rejections" under section 103:

A "printed matter rejection" under Sec. 103 stands on questionable legal and logical footing. Standing alone, the description of an element of the invention as printed matter tells nothing about the differences between the invention and the prior art or about whether that invention was suggested by the prior art.... [The Court of Customs and Patent Appeals], notably weary of reiterating this point, clearly stated that printed matter may well constitute structural limitations upon which patentability can be predicated. Gulack, 703 F.2d at 1385 n. 8. Despite this cautioning, the Board erroneously extended a printed matter rejection under sections 102 and 103 to a new field in this case, which

involves information stored in a memory. This case, moreover, is distinguishable from the printed matter cases. The printed matter cases "dealt with claims defining as the invention certain novel arrangements of printed lines or characters, useful and intelligible only to the human mind."In re Bernhart, 417 F.2d 1395, 1399, 163 USPQ 611, 615 (CCPA 1969). The printed matter cases have no factual relevance where "the invention as defined by the claims requires that the information be processed not by the mind but by a machine, the computer." Id. (emphasis in original). Lowry's data structures, which according to Lowry greatly facilitate data management by data processing systems, are processed by a machine. Indeed, they are not accessible other than through sophisticated software systems. The printed matter cases have no factual relevance here. Nor are the data structures analogous to printed matter. Lowry's ADOs do not represent merely underlying data in a database. ADOs contain both information used by application programs and information regarding their physical interrelationships within a memory. Lowry's claims dictate how application programs manage information. Thus, Lowry's claims define functional characteristics of the memory. Contrary to the PTO's assertion, Lowry does not claim merely the information content of a memory. Lowry's data structures, while including data resident in a database, depend only functionally on information content. While the information content affects the exact sequence of bits stored in accordance with Lowry's data structures, the claims require specific electronic structural elements which impart a physical organization on the information stored in memory. Lowry's invention manages information. As Lowry notes, the data structures provide increased computing efficiency.

Applicants respectfully submit that that each of the pending independent claims 1, 30, and 31, as presented, is patentable. Reconsideration of the claim limitations of each of the pending independent claims 1, 30, and 31, as presented, is respectfully requested.

Independent claim 1 recites the steps of storing meeting settings and invitees data for a meeting for each of the delegates, representatives, quorums, and teams; said meeting settings and invitees data including an invitee attendance type, delegates, representatives, quorums, and teams data;

identifying a solution time block for automated meeting scheduling including at least a subset of a plurality of selected invitees utilizing said stored invitee attendance type, delegates, representatives, quorums, and teams data.

Applicants respectfully submit that the claim limitations are not descriptive material, and should be considered by the Examiner. The above claim limitations of claim 1 are not analogous to printed matter, nor nonfunctional descriptive material, and the Examiner in not at liberty to ignore such limitations. As in Lowry's invention that manages information and in both Gulack and Lowry, each of the pending independent claims 1, 41, and 30 respectively does not claim merely the information content of a memory, as with Lowry's data structures, while including data stored in memory, depend only functionally on information content. The present invention provides tangible benefits utilizing the data stored in accordance with the claimed automated meeting scheduling method performed by an electronic calendar meeting scheduling program. The recited step of identifying a solution time block for automated meeting scheduling

including at least a subset of a plurality of selected invitees utilizing said stored invitee attendance type, delegates, representatives, quorums, and teams data provide tangible benefits, that are not suggested in the prior art including the references of record including the cited Conmy et al., and Outlook 97.

Applicants respectfully submit that each of the pending independent claims 1, 30, and 31, as presented, is patentable over the references of record including the cited Conmy et al., and Outlook 97.

As presented, each of the pending independent claims 1, 41, and 30 respectively recite the step of storing meeting settings and invitees data for each of the delegates, representatives, quorums, and teams for a meeting, or an electronic calendar meeting scheduling program storing meeting settings and invitees data delegates, representatives, quorums, and teams for a meeting.

While the references Conmy et al., and Outlook 97 teach aspects of the claimed invention, only Applicants teach the subject invention, and an objective reason to combine the teachings of the references of record is lacking. No finding as to the principle or specific understanding within the knowledge of a skilled artisan that would have motivated the skilled artisan to make the claimed invention.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when

combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. See MPEP §2143.

Applicants respectfully submit that the Examiner's rejection fails to establish at least the first and third criteria.

Applicants respectfully submit that the rejection of claims 1-41 under 35 USC §103(a) fail to meet this first criteria. Applicant respectfully submits that there is no suggestion or motivation in the Conmy et al., and Outlook 97 references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Applicants respectfully submit that the rejection of claims 1-41 under 35 USC §103(a) fail to meet this third criteria. Applicant respectfully submits that the total teachings of all of the references of record including Conmy et al., and Outlook 97 do not achieve, nor suggest, the subject matter of the invention as expressly recited in independent claims 1, 30, and 41, as presented. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in applicant's disclosure.

The Examiner acknowledges that Conmy et al. does not disclose the categories of delegates, representatives, quorums, and teams. The Examiner states that Outlook 97 teaches that it is know to have delegates and team data referring to page 117 maintaining the workgroup member represents the team data category and the use of delegates is taught.

Applicants respectfully submit that the total teaching of the Conmy et al. patent and Outlook 97 fail to disclose the above feature of the pending claims 1-41, as presented. Reconsideration and allowance of each of the pending claims 1-41, as presented, is respectfully requested.

Applicants respectfully submit that each of the independent claims 1, 30, and 41, as presented, is patentable over the art of record, including the Conmy et al. patent and Outlook 97.

Independent claim 1 recites a method for automated meeting scheduling using delegates, representatives, quorums, and teams performed by an electronic calendar meeting scheduling program. Claim 1 recites the step of storing meeting settings and invitees data for each of the delegates, representatives, quorums, and teams for a meeting; said meeting settings and invitees data including an invitee attendance type, delegates, representatives, quorums, and teams data; identifying a solution time block for automated meeting scheduling including at least a subset of a plurality of selected invitees utilizing said stored invitee attendance type, delegates, representatives, quorums, and teams data.

Applicants respectfully submit that when the claimed invention is properly considered "as a whole" when considering whether the invention would have been obvious when it was made, requires a conclusion that claim 1 is patentable.

First Conmy et al. do not disclose a method for automated meeting scheduling using delegates, representatives, quorums, and teams performed by an electronic calendar meeting scheduling program, as recited in the preamble of claim 1.

Further Conmy et al. do not disclose storing meeting settings and invitees data for a meeting including an invitee attendance type, delegates, representatives, quorums, and teams data. Further Conmy et al. do not disclose identifying a solution time block for automated meeting scheduling including at least a subset of a plurality of selected invitees utilizing said stored invitee attendance type, delegates, representatives, quorums, and teams data. Outlook 97adds nothing to suggest the above features that are neither shown nor suggested by Conmy et al.

Outlook 97 discloses the option of assigning a delegate for a resource. Outlook 97 adds nothing to the teachings of Conmy et al. to render obvious the claimed invention.

Thus, Independent claim 1 is not rendered obvious by Conmy et al. and Outlook 97.

Applicants respectfully submit that Conmy et al. and Outlook 97 do not disclose, nor remotely suggest any meeting scheduling using delegates, representatives, quorums, and teams. Applicants acknowledge that Conmy et al. discloses that an invitee can indicate a delegate. However, Conmy et al. fails to disclose, nor remotely suggest the meeting settings and invitees data for a meeting including an invitee attendance type, delegates, representatives, quorums, and teams data, as taught by Applicants and claimed in independent claim 1. Applicants respectfully submit that weight assigned to an invitee as disclosed by Conmy et al. does not suggest and can not be interpreted as being equivalent to an invitee attendance type, delegates, representatives, quorums, and teams data, as taught by

Applicants and claimed in Independent claim 1.

Thus, independent claim 1 is patentable over Conmy et al. and Outlook 97.

Independent claim 30 recites a meeting scheduler for automated meeting scheduling using delegates, representatives, quorums, and teams comprising: an electronic calendar meeting scheduling program storing meeting settings and invitees data for each of the delegates, representatives, quorums, and teams for a meeting; said meeting settings and invitees data including an invitee attendance type, delegates, representatives, quorums, and teams data; and said electronic calendar meeting scheduling program utilizing said stored invitee attendance type, delegates, representatives, quorums, and teams data to identify a solution time block for automated meeting scheduling including at least a subset of a plurality of selected invitees.

Independent claim 30 is patentable for the same reasons as independent claim 1.

Conmy et al. and Outlook 97 do not disclose a meeting scheduler for automated meeting scheduling using delegates, representatives, quorums, and teams, as recited in the preamble of claim 30. Conmy et al. and Outlook 97 do not disclose an electronic calendar meeting scheduling program storing meeting settings and invitees data for each of the delegates, representatives, quorums, and teams for a meeting; said meeting settings and invitees data including an invitee attendance type, delegates, representatives, quorums, and teams data. Further Conmy et al. and Outlook 97 do not

disclose said electronic calendar meeting scheduling program utilizing said stored invitee attendance type, delegates, representatives, quorums, and teams data to identify a solution time block for automated meeting scheduling including at least a subset of a plurality of selected invitees.

Thus, independent claim 30 is patentable over Conmy et al. and Outlook 97.

Independent claim 41 is patentable for the same reasons as independent claims 1 and 30. Further independent claim 41 further defines the invention reciting the steps of calculating a selection score for each potential time block for automated meeting scheduling utilizing said stored meeting settings and invitees data including said invitee attendance type, delegates, representatives, quorums, and teams data; and setting said selection score to unusable responsive to identifying less than a quorum of available quorum members; identifying an insufficient number of available team members; or identifying an insufficient number of available consulting team members. Conmy et al., and Outlook 97 fail to disclose, or remotely suggest the meeting settings and invitees data for a meeting including an invitee attendance type, delegates, representatives, quorums, and teams data, and further Conmy et al. and Outlook 97 fail to disclose, or remotely suggest setting said selection score to unusable responsive to identifying less than a quorum of available quorum members; identifying an insufficient number of available team members; or identifying an insufficient number of available consulting team members as taught by Applicants and claimed in independent claim 41.

Thus, independent claim 41 is patentable over Conmy et al. and Outlook

97.

Dependent claims 2-29, and 31-40 respectively depend from patentable claims 1, and 30, further defining the invention. Each of the dependent claims 2-29, and 31-40, as presented, is likewise patentable.

Applicants have reviewed all the art of record, and respectfully submit that the claimed invention is patentable over all the art of record, including the references not relied upon by the Examiner for the rejection of the pending claims.

It is believed that the present application is now in condition for allowance and allowance of each of the pending claims 1-41, as presented, is respectfully requested. Prompt and favorable reconsideration is respectfully requested.

If the Examiner upon considering this amendment should find that a telephone interview would be helpful in expediting allowance of the present application, the Examiner is respectfully urged to call the applicants' attorney at the number listed below.

Respectfully submitted,

S-signature by

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